Supreme Court U.S
FILED
01-473 AUG 6 2001
OFFICE OF THE CLERK

No.

In The
Supreme Court of the United States

NEAL ADAMS,
Petitioner,

v.

BILL FRANKLIN, et al,

Respondent,

On Petition for A Writ of Certiorari
To The United States Court of Appeals
For the Eleventh Circuit

PETITION FOR A WRIT OF CERTIORARI

Neal Adams
84 Pine Lane
Eclectic, Alabama 36024
(334) 320-9592

17pp

QUESTIONS PRESENTED

1. Petitioner filed his case in the United States District Court, Middle District of Alabama, on August 5, 1999. On January 12, 2001, a motion for Summary Judgement was granted and the case was DISMISSED with PREJUDICE. On January 4, 2001, the Petitioner filed a notice of appeal to the U. S. Court of Appeals, Eleventh District.

2. A letter, dated March 27, 2001, from the United States Court of Appeals, Eleventh Circuit, was received by the Petitioner stating he failed to timely file his Appeal.

3. The question is, did the Petitioner timely file his Appeal?

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Gary Bowers
C. McGinnis
Phillip Estes
Morris Rogers
Dwayne Ellis
Roy Murray
Chris Knight
Elmore County, Alabama, Jail Administrators

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PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully prays that a Writ of Certiorari issue to review the judgement of the United States Court of Appeals for the Eleventh Circuit filed January 24, 2001.

OPINION BELOW

The opinion of the united States Court of Appeals for the Ninth Circuit is reported in Appendix G and Appendix A.

JURISDICTION

The opinion of the Court of appeals for the Eleventh Circuit was filed on January 24, 2001. A petition for rehearing and rehearing en banc was timely filed and was denied on June 26, 2001 (Appendix G).

STATUTORY PROVISIONS

Pursuant to 11th Cir.R.42-2©

STATEMENT OF THE CASE

Petitioner filed a suit in the U. S. District Court, Middle District of Alabama on August 5, 1999. On January 12, 2001, a motion for Summary Judgement was GRANTED and the case was DISMISSED with prejudice.

On January 24, 2001, the Petitioner filed a NOTICE OF APPEAL to the U. S. Court of Appeals, Eleventh Circuit. On January 25, 2001, Notice of Appeal and Certified Copy was sent to the U. S. Court of Appeals, Eleventh Circuit.

On February 14, 2001, a Certificate of Readiness of record on Appeal was mailed to the United States Court of Appeals, Eleventh Circuit. A letter to the Petitioner dated March 27, 2001, was received stating that his case was considered dismissed on March 13, 2001.

An entry of dismissal was entered on March 27, 2001 by the U. S. Court of Appeals, Eleventh Circuit. On May 22, 2001, the Petitioner filed a motion with the U. S. Court of Appeals, Eleventh Circuit to reconsider their dismissal.

The U. S. Court of Appeals, Eleventh circuit, on June 26, 2001, issued an order denying Petitioner's motion to reconsider.

REASONS FOR GRANTING THE WRIT

The Petitioner filed his lawsuit in the UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICTOF ALABAMA, NORTHERN DIVISION, on August 5, 1999. A Motion for Summary Judgement was Granted, and his case was dismissed with prejudice on January 12, 2001.

On January 24, 2001, the Petitioner filed a Notice of Appeal to the U. S. District Court, Middle District of Alabama, Northern Division. On February 24, 2001, a Certificate of Readiness of record on Appeal was mailed to the United States Court of Appeals, Eleventh Circuit.

Petitioner spoke with personnel at the United States District Court, Middle District of Alabama, Northern Division, to inquire if anything else needed to be filed with this Appeal. Petitioner also spoke with the Deputy Clerk of the United States Court of Appeals for the Eleventh Circuit, and was informed that there was nothing additional to be filed until he heard from the Courts.

The Petitioner received a letter dated March 27, 2001, stating his case was treated as dismissed on March 13, 2001.

On May 22, 2001, the Petitioner filed a MOTION TO RECONSIDER along with a Brief and Record Excerpts. Petitioner's next correspondence was a Motion denying his request for Reconsideration that was filed on June 26, 2001.

All the Petitioner asked of this Honorable Court is that his rights are protected as cited in the CONSTITUTION OF THE UNITED STATES OF AMERICA, and he be granted a fair trial by a Jury of his peers.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted.

_____

Date: _____

APPENDIX A

Neal Adams, Plaintiff,

v.

Bill Franklin, Sheriff, ET Al., Defendants

No. 99-D-815-N

United States District Court for the
Middle District of Alabama Northern Division

Argued and submitted January 3, 2001

Decided January 12, 2001.

Before: United States District Judge, Ira DeMent

ORDER

This cause is now presented to the court on the Recommendation of the Magistrate Judge, filed January 3, 2001, and plaintiff's objection, filed January 10, 2001.

It is CONSIDERED and ORDERED as follows:

1. That the plaintiff's objection be and the same is hereby OVERRULLED;
2. That the Recommendation of the Magistrate Judge be and the same is hereby ADOPTED, APPROVED AND AFFIRMED;
3. That the motion for summary judgment filed by the defendants be and the same is hereby

1. GRANTED and that this case be and the same is hereby DISMISSED with prejudice; and
2. That cost of this proceeding be taxed against the plaintiff for which let execution issue.

DONE this the 12th day of January, 2001.

Ira DeMent
UNITED STATES DISTRICT JUDGE

EOD 1-12-01

APPENDIX B

1/24/01	NOTICE OF APPEAL by Neal Adams to the U. S. Court of Appeals, Eleventh Circuit from the final order entered in this action January 12, 2001. (Copies provided). FILING FEE $105.00 RECEIPT # 85633 (hhk) (Entry date 1/25/01)

APPENDIX C

NEAL ADAMS
v.
BILL FRANKLIN, et al.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

USDC No. CV-99-D-815-N
USCA No. 01-20469-CC

CERTIFICATE OF READINESS OF RECORD ON APPEAL

Pursuant to Fed.R.App.P. 11(c) the Clerk of the District Court for the Middle District of Alabama hereby certifies that, as shown on the enclosed index, the record is complete for purposes of this appeal. The record (including the transcript(s) or parts thereof designated for inclusion and all necessary exhibits) consists of:

1 Volume of Pleadings

Please acknowledge receipt of the enclosed copy of this letter.

Sincerely,

DEBRA P. HACKETT, Clerk

By: Helen H. Knight
Deputy Clerk

cc: Neal Adams
Daryl L. Masters
Kelly G. Davidson

APPENDIX D

United States Court of Appeals
Eleventh Circuit

Neal Adams

v.
Bill Franklin

RE: 01-10469-CC
DC DKT NO. 99-00815 CV-D-N

The enclosed certified copy of the Clerk's Entry of Dismissal for failure to prosecute in the above referenced appeal is issued as the mandate of this court. Pursuant to 11th Cir. R. 42-2(c) and 42-3 (c),when the appellant fails to timely file or correct a brief or record excerpts, the appeal shall be treated as dismissed on the first business day following the due date. This appeal was treated as dismissed on March 13, 2001.

Above letter addressed to Debra p. Hackett, Clerk, U.S. District Court, 15 Lee Street, Ste. 206, Montgomery, AL 36104, dated March 27, 2001

Above letter from Thomas K. Kahn, Clerk, Reply to: Jenifer Alexander (404) 335-6172

APPENDIX E

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 01-10469-CC

Neal Adams, Plaintiff-Appellant,
v.
Bill Franklin, ET AL,-Defendent-Appellees

Appeal from the United States District Court for
Middle District Of Alabama

ENTRY OF DISMISSAL

Pursuant to 11th Cir.R 42-2(c), this appeal is hereby dismissed for want of prosecution because appellant has failed to file an appellant's brief and record excerpts within the time fixed by the rules, effective this 27th day of March, 2001.

THOMAS K. KAHN
Clerk of the Unites States Court
of appeals for the Eleventh Circuit

By: Jennifer Alexander
Deputy Clerk

FOR THE COURT - BY DIRECTION

APPENDIX F

NEAL ADAMS, Appellant

v. Appeal No. 01-10469-CC

BILL FRANKLIN, SHERIFF, ET AL
Defendent

In The United States Court of Appeals
For the Eleventh Circuit

On Appeal From the United States District Court
For the Middle District of Alabama
Northern Division
District Court Docket No. CV-99-D-815-N

Motion to Reconsider

Comes now the Appellant in the above styled cause, Neal Adams: and moves this Honorable Court to Reconsider their denial to Reinstate His Appeal. Appellant respectfully submits the following reasons:

1. Appellant, after the Appeal was filed, spoke with Debra P. Hackett, Clerk of the United States District Court for the Middle District of Alabama Northern Division, was advised nothing else was needed to be done until this Honorable Court ruled.
2. Appellant also spoke with Jenifer Alexander, with the United States Court of Appeals for the Eleventh Circuit, and was told the same thing.

3. Appellant, being a lay person, filed all the necessary paperwork that was needed to be filed. This is why he called the Clerk of the District Court for the Middle District of Alabama Northern Division and Ms. Alexander with this Honorable Court, to be assured that there was nothing else to be filed with this Appeal.
4. The next correspondence the Appellant had with this Honorable Court, was a Notice dismissing his appeal, dated March 27, 2001.
5. The Appellant filed a timely motion of appeal within the specified time. (Exhibit A attached).
6. The appellant, who is a United States Citizen, born and raised in this nation, has always believed and stood for the rights protected him under the Constitution of the United States of America.
7. The Appellant, not only feels that his rights protected him under the Constitution of the United States have been violated, he knows, based on what the Constitution says, he has been wronged.
8. All the Appellant is praying for is his **CONSTITUTIONAL RIGHT** to a fair and impartial trial before a panel of his peers.
9. The Appellant shall not, and will not, let himself be denied his right of Due Process to a trial by jury.
10. The Appellant sincerely feels that if his right to a trial by jury is denied, it will be a step back to the 1950's and 1960's, where Law Enforcement Officials could abuse their Authority and never be held accountable for the abuse of citizens of this Nation. The Appellant's voice will be heard in this matter.

EXHIBIT A

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 1353 6787

Postage	$ 34
Certified Fee	1 90
Return Receipt Fee (Endorsement Required)	1 50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3 74

USPS
APR 10 2001
Postmark Here
GMF MONTGOMERY AL 36124

Recipient's Name (Please Print Clearly) (to be completed by mailer)
UNITED STATES COURT of APPEALS
Street, Apt. No.; or PO Box No.
56 FORSYTH St N.W.
City, State, ZIP+4
ATLANTA GA 30303

PS Form 3800, February 2000 See Reverse for Instructions

The Appellant respectfully requests this Honorable Court, to Reconsider his Appeal and remand this case to the Lower Court for a trial by Jury.

Respectfully submitted this 22nd day of May, 2001.

Neal Adams
Appellant

APPENDIX G

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 01-10469-CC

NEAL ADAMS, - Plaintiff-Appellant

v.

BILL FRANKLIN, Sheriff,
MORRIS ROGERS, Deputy Sheriff,
PHILLIP ESTES, Deputy Sheriff,
JAIL ADMINISTRATOR,
FICTITIOUS DEFENDANT(S), "The Deputy Sheriff that followed me to the Baptist Hospital the others called Dr. Feelgood",
Defendents-Appellees,

Appeal from the United States District Court
for the Middle District of Alabama

BEFORE: DUBINA and BARKETT, Circuit Judges.

BY THE COURT:

Appellant's motion to reconsider this Court's Order of May 22, 2001 is DENIED.